



City of Las Cruces®

Realize Las Cruces Ad Hoc Committee Agenda
March 15, 2023 at 3:00 PM
700 N Main, Las Cruces, NM 8001
City Hall, Room 2007- C

I. Call To Order

II. Approval Of Minutes

II.I. January 18, 2023

Documents:

[01-18-23 REALIZE TAC MINUTES.PDF](#)

II.II. February 1, 2023

Documents:

[02-01-23 REALIZE TAC MINUTES.PDF](#)

III. Postponements

IV. Discussion Items

IV.I. Target Budget Recommendations

Discussion and endorsement of specific budget recommendations to support the initiatives of Elevate Las Cruces and Realize Las Cruces.

V. Upcoming Meeting Discussion Items

To Be Determined

VI. Public Participation

VII. Adjournment

Date Posted: 3-8-2023

1 **REALIZE LAS CRUCES AD HOC COMMITTEE COMMISSION**

2
3 Following are the minutes from the City of Las Cruces Realize Las Cruces Ad Hoc
4 Committee Meeting held Wednesday, January 18, 2023, at 3:00 p.m.

5
6 **MEMBERS PRESENT:**

- 7 Daniel G. Buck
- 8 Paul Dulin
- 9 Arturo Duran
- 10 Sara Gonzales
- 11 Scott Kaiser
- 12 John Moscato
- 13 Ken Odenheim
- 14 George Pearson
- 15 Paul Pompeo
- 16 Abraham Sanchez
- 17 Dawn Sanchez
- 18 Sharon Thomas

19
20 **MEMBERS ABSENT:**

- 21 Christopher Brown
- 22 Dan Carter
- 23 David G. Lynch

24
25 **STAFF PRESENT:**

- 26 Katherine Harrison-Rogers, Senior Planner
- 27 David Sedillo, Director of Public Works
- 28 David Weir, Deputy Director Community Planning

29
30 **1. CALL TO ORDER:**

31 The meeting was called to order.

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34 **2. APPROVAL OF MINUTES -**

- 35 • **November 16, 2022:**
- 36 • **December 7, 2022:**

37
38 It was moved and seconded to approve minutes as presented. Motion passed
39 unanimously.

40
41 **3. POSTPONEMENTS:**

42 There were none.

43
44
45 **4. DISCUSSION ITEMS:**

1
2 **4.1 Chapter 3 - Zoning**
3 • **Section 3-4 Zoning Procedures**
4

5 Katherine Harrison-Rogers provided a handout with everyone's comments
6 that were given to her. She explained zoning map amendments. The
7 question was raised regarding increasing the amount of information
8 needed to do map amendments, as the public frequently asks about
9 specifics regarding how the amendment will affect traffic and other things.
10 It is difficult to make a good decision without more information. Katherine
11 Harrison-Rogers mentioned that other communities require complete site
12 plans before changing zoning, but it makes keeping track of things very
13 difficult. Las Cruces City Staff compensates by analyzing applications as
14 if the change is going to be generating the most difficulties as well as
15 referring to the Future Development Map before making
16 recommendations. Chapter 3 lists criteria for decisions that are verbatim
17 from the Boards and Commissions Section of the Municipal Code. None
18 of it can be deleted but the Board can add extra criteria. It was mentioned
19 that giving too much information can cause applications to be denied due
20 to community input. Board Members would like a rough sketch of
21 proposed use to be presented with zone change requests. Katherine
22 Harrison-Rogers made a note to ask the consultant for a way to get more
23 information in the requests while remaining flexible for the developer. The
24 new Code should help reduce the number of rezoning requests coming in
25 because it changes the lot size requirements within the different zoning
26 designations. Restricting uses for certain properties can be considered
27 contract zoning and is not acceptable. Development agreements can help
28 avoid this problem. There are provisions in the Code that allow the Zoning
29 Committee to request more information and have the developer return at
30 another meeting with the information requested. The suggestion was
31 made to make the provision more specific as to when extra studies and
32 information are to be requested to help prevent waste of time and money.
33 Staff makes judgment calls as to when the extra information is needed
34 and much of this is discussed at pre-application meetings with staff from
35 various involved departments. A suggestion was made to add "if
36 applicable" into the provision and leave it at that.

37
38 Katherine Harrison-Rogers moved on from applications procedures and
39 requirements to criteria for decisions. There were many comments on
40 property values. The criteria are currently verbatim from Municipal Code
41 and have not been modified yet. It is possible to add more conditions if
42 needed. Some of New Mexico Case Law is applicable and may be useful
43 to add. A question was raised about spot zoning. Anything different from
44 what is already there can be considered spot zoning, per State Statute.
45 Using the infill process is more appropriate. Katherine Harrison-Rogers
46 would like to see more definitive criteria included in the new Code.

1 According to staff "unreasonable increase in traffic" means that the traffic
2 system will no longer function from an engineering standpoint. The
3 exceptions for zone changes are verbatim out of State Statute.
4

5 The majority of questions and comments received beforehand were about
6 site plans. Currently the site plan review is incorporated into the building
7 permit process. The new Code will allow for a "pre-approval" before the
8 builder tries to apply for permits by turning the site plan review into a
9 formal step in the process prior to permitting. A comment was made that
10 the draft currently requires such a detailed site plan that it might as well be
11 a construction plan. The concern is that if the site plan is not approved,
12 the builder has spent a huge amount on getting the plan designed and
13 then has to go have it redesigned. The suggestion was made to have a
14 concept plan required instead. Another suggestion was made to make
15 site plans and subdivision plans the same. The difficulty with doing that is
16 site plans for subdivisions are considered in the public realm and small
17 private plots are considered in the private realm. Details for what the lists
18 of submittal requirements mean are in the City Design Standards. A
19 suggestion was made to remove "where applicable" as everyone is
20 required to submit site plans anyway. The suggestion was made to
21 require the location of easements to be indicated on site plans prior to
22 permitting. Page 2009 section B6b seems to be the same as section 7
23 and a suggestion was made to combine them or include a reference to
24 section 7. One section says that the City cannot force changes to a plan
25 after approving it. The other section says that the City can agree to
26 changes proposed by the builder without having to submit the changes to
27 a full review. The wording may be changed slightly to clarify the
28 paragraphs. SUPs and infill development proposals go to public hearing
29 for site plan approval rather than staff. For site plans that have already
30 been approved by P&Z, any amendment has to be approved by P&Z.
31 Minor conditions can be approved by staff. Staff can require changes to
32 be brought before P&Z if they feel it should not be approved
33 administratively. Chapter 3 does not list the order of events, only the
34 requirements involved in each step. The sequence of events is listed in
35 the Chapter 1, along with graphics.
36

37 Comments on PUDs include a request for defining terms like "public
38 benefit" and "economic benefit" more clearly. Staff hopes that the new
39 Code will help eliminate some of the need for PUDs. Page 213 under
40 Concept Plan Amendment, section IIX should read " ... proposed change
41 should be reviewed by the Planning and Zoning Commission and the City
42 Council." This means that the changes are analyzed by staff, then go to
43 public hearing before going to the Commission or Council. A suggestion
44 was made to require re-approval in Sections C and D if there is 15% or
45 more change in residential density or non-residential square footage. On
46 page 213 under 9b, the document refers to base districts. The Board

1 would like to have the term "base district" clarified and make it easier for
2 people to find out which base district is being discussed. Board Members
3 agree that the document should have hyperlinks for all the confusing
4 terms and to link to maps. On page 214 the very first item refers to
5 association bylaws but not every PUD will have an association. In section
6 F7 it refers to building area boundaries but in a PUD the Board does not
7 know the building area boundaries ahead of time, unless this refers to
8 setbacks. "As applicable" or something similar should be added for those
9 situations. Page 214 section F12 says "proposed alignment of roadways"
10 and then "additional traffic volumes associated for each road," at concept
11 plan that would not all be known so it should be "proposed alignment of
12 major roadways" and in F13 it refers to "proposed location, length/width of
13 all roadways, bikeways, trails, walkways," is much too detailed for a
14 concept plan. A suggestion was made to use development standards at
15 this stage to simplify the concept plan. Staff hopes to include
16 development triggers in the Code as well. In F17 it refers to land uses for
17 each lot, parcel, or tract. The question was asked about how to know
18 what is allowed. The developer will be dictating the allowed uses. Section
19 XIV also refers to location and sizes of existing and proposed utilities,
20 which refers to a master utility plan for the PUD. In 17E, total acreage for
21 open space, private and public facilities, again there is no way of knowing
22 exactly what that is until later. It is acceptable to present an estimate with
23 room for 15% change up or down. Section G needs to require wording
24 such as "based on clear and compelling evidence" so that additional
25 studies cannot be arbitrarily demanded by committee members. Current
26 variances allow P&Z and City Council to use economic development as a
27 reason for approval. The new draft does not seem to have that provision.
28 The request was made to add in this provision with some language about
29 specific data.

30
31 Having the comments beforehand and being able to discuss the submitted
32 comments at the meeting seems to work well. A concern was raised
33 about the Committee possibly doing editing rather than discussing larger
34 concerns about the document. Katherine Harrison-Rogers hopes to
35 improve the spreadsheet for the Committee Members to submit
36 comments. A request was made for staff to begin meetings with an
37 update on what the Committee is supposed to be doing and how much
38 progress towards the goal has been made.

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40 **5. UPCOMING MEETING DISCUSSION ITEMS:**

41 To be determined.

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44 **6. PUBLIC PARTICIPATION**

45 There was none.
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7. ADJOURNMENT (5:05)

Chairperson

1 **REALIZE LAS CRUCES AD HOC COMMITTEE COMMISSION**

2
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4 Committee Meeting held Wednesday, February 1, 2023, at 3:00 p.m.

5
6 **MEMBERS PRESENT:**

- 7 Christopher Brown
- 8 Daniel G. Buck
- 9 Paul Dulin
- 10 Arturo Duran
- 11 David G. Lynch
- 12 John Moscato
- 13 George Pearson
- 14 Paul Pompeo
- 15 Luis Rios
- 16 Dawn Sanchez
- 17 Sharon Thomas

18
19 **MEMBERS ABSENT:**

- 20 Dan Carter
- 21 Sara Gonzales
- 22 Scott Kaiser
- 23 Ken Odenheim

24
25 **STAFF PRESENT:**

- 26 Katherine Harrison-Rogers, Senior Planner
- 27 David Sedillo, Director of Public Works
- 28 Tony Trevino, Deputy Directory Public Works
- 29 David Weir, Deputy Director Community Planning
- 30 Natashia Billy, Senior Engineer, Public Works
- 31 Michael Kinney, Development Engineer, Community Development
- 32 Steve Pacheco, Senior Engineer , Public Works
- 33 Kyle Arend, Engineering Administrator, Public Works

34
35 **1. CALL TO ORDER:** The meeting was called to order. David Weir volunteered to
36 sit in as Chair.

37
38 **2. APPROVAL OF MINUTES -**

- 39 • **January 4, 2023:** Moved and seconded to approve minutes of January 4,
40 2023. Motion passed unanimously.

41
42 **3. POSTPONEMENTS:** None.

43
44 **4. DISCUSSION ITEMS:**

45
46 **4.1 Design Standards Section 5 - Drainage, Flood Control and Erosion**

1 • **Section 3-4 Zoning Procedures**

2
3 David Weir started the discussion of Section 5. Katherine Harrison-Rogers
4 created a handout containing the comments from Board Members and the
5 current Section 5 was passed out. Board Members discussed concerns
6 about arroyos and natural drainage ways. FEMA does not recognize
7 arroyos smaller than 150 CFS. The consultant is working on the regulations
8 for local builders concerning arroyos. The suggestion was made to
9 emphasize more strongly regulations and incentives to try to retain and use
10 precipitation water. There was concern about having State Statute included
11 in this Code and that there are currently references in this draft to flood zone
12 types that do not exist in Las Cruces. Some Members have concerns about
13 the organization and structure of the document. Katherine Harrison-Rogers
14 went over the comments submitted by Board Members. There was a
15 question about wind erosion. Comments were made about pages 318 and
16 320 regarding unclear wording of erosion protection standards. There were
17 concerns about page 321 regarding revegetation requirements and
18 irrigation systems. Staff also has the same concerns and will be taking them
19 to the consultant. There was a discussion about erosion and slopes and
20 soil types. The current process for developers is to submit their SWPPP at
21 the same time as the rest of their design documents. That is not expected
22 to change. Page 319 Section 3a and page 326 Section 9a discuss SWPPP
23 development and submittal. The document references NM DOT regulations
24 and EPA requirements.

25
26 The next item of discussion was stormwater management. A suggestion
27 was made to include incentives for developers who submit plans for
28 harvesting stormwater. The problem with this is that homeowners do not
29 maintain the small ponds on their properties and the water still runs down
30 the road, creating a safety hazard. Staff and consultant are trying to include
31 green infrastructure as much as possible. Pages 322 through 325 have
32 several references to violations of other regulations and laws and should be
33 reorganized out of the sections on erosion control and stormwater
34 management. There was concern about the water quality section being
35 more like ordinance than design standard. There was discussion regarding
36 the current wind erosion ordinance and that the City adheres to State and
37 Federal regulations. City Staff have not had a chance to review this
38 document, so they will be doing that after this meeting. This document is
39 very different from the earlier version. Concern was raised regarding
40 enforcement of Item 6.b.5. This section concerns allowances when the
41 guidelines overlap with other departments such as the Utilities Department.
42 Board Members are concerned that the new Code document is too specific
43 and many things should be moved to a more easily modified manual while
44 the standards remain more general. There was discussion about how
45 different the storms are in this area compared to the rest of the country and
46 how the design of roadways and drainage systems needs to be different

1 because of that. Board Members are interested in having discussion with
2 the consultants when convenient. Members were interested in having the
3 word "arroyo" more clearly defined. On page 327, item F there is an
4 indication that "additional requirements may be requested from the
5 operator" and that seems too vague. Board Members ask for further
6 clarification here. There will be a glossary attached when the document is
7 finished for all the terms. Page 331 section ix is too broad and needs to be
8 tightened up for the Las Cruces area. No variances will be allowed in flood
9 zones. Page 332, section vii is unclear about which studies and maps need
10 to be done and to whom they should be submitted. Some of this section
11 comes verbatim from NFIP and FEMA.

12
13 Section E refers to incorporation of green infrastructure. It is not very in-
14 depth. There was discussion regarding pervious concrete. Maintenance is
15 an issue with this material.

16
17 Section F refers to drainage and stormwater quality submittals. Staff is not
18 satisfied with this section but they have not had a chance to work on it.

19
20 Section G speaks of drainage system operation and maintenance. There
21 was discussion about the difference between a master drainage study and
22 a final drainage study. On page 338 section vii, it was suggested to add a
23 recommendation that curb and gutter capture stormwater. There was
24 discussion regarding situations when capturing stormwater may not be
25 appropriate or safe.

26
27 Staff requested Board Members to submit more comments for discussion
28 at the next meeting.

- 29
30 **5. UPCOMING MEETING DISCUSSION ITEMS:** To be determined.
31
32 **6. PUBLIC PARTICIPATION:** None.
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34 **7. ADJOURNMENT (4:50):** It was moved and seconded to adjourn. Motion passed
35 unanimously.

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Chairperson